

**DECLARATION AND POWER OF ATTORNEY FOR  
UNITED STATES PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a United States patent is sought on the invention entitled

**NOVEL TUBBY HOMOLOG**

the specification of which:

     is attached hereto.

  X   was filed on March 6, 1997, as application Serial No. 08/812,824 and if this box contains an X     , was amended on \_\_\_\_\_.

  /   was filed as Patent Cooperation Treaty international application No. \_\_\_\_\_ on \_\_\_\_\_, 19\_\_\_\_, if this box contains an X   /  , was amended on under Patent Cooperation Treaty Article 19 on \_\_\_\_\_19\_\_, and if this box contains an X   /  , was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under Title 35, United States Code, §119 or §365(a)-(b) of any foreign application(s) for patent or inventor's certificate indicated below and of any Patent Cooperation Treaty international applications(s) designating at least one country other than the United States indicated below and have also identified below any foreign application(s) for patent or inventor's certificate and Patent Cooperation Treaty international application(s) designating at least one country other than the United States for the same subject matter and having a filing date before that of the application for said subject matter the priority of which is claimed:

Country	Number	Filing Date	Priority Claimed
			// Yes // No
			// Yes // No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in said prior application(s) in the manner required by the first paragraph of Title 35, United States Code §112, I acknowledge my duty to disclose material information as defined in Title 37 Code of Federal Regulations, §1.56(a) which occurred between the filing date(s) of the prior application(s) and the national or Patent Cooperation Treaty international filing date of this application:

Application Serial No.	Filed	Status (Pending, Abandoned, Patented)

I hereby appoint the following:

**LUCY J. BILLINGS**  
**MICHAEL C. CERRONE**

**Registration No. 36,749**  
**Registration No. 39,132**

respectively and individually, as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please address all communications to:

**LUCY J. BILLINGS, ESQ.**  
**INCYTE PHARMACEUTICALS, INC.**  
**3174 PORTER DRIVE, PALO ALTO, CA 94304**

**TEL: 415-855-0555 FAX: 415-845-4166**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

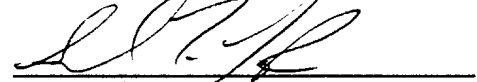
**\*IMPORTANT:** Before this declaration is signed, the patent application (the specification, the claims and this declaration) must be read and understood by each person signing it, and no changes may be made in the application after this declaration has been signed.

**Sole Inventor or****First Joint Inventor:**

Full name:

**SAMUEL T. LABRIE**

Signature:



Date:

7/23/97

Citizenship:

United States of America

Residence:

Mountain View, California

P.O. Address:

117B Kittoe Drive  
Mountain View, CA 94043**Second Joint Inventor:**

Full name:

**PREETI LAL**

Signature:



Date:

7/22/97

Citizenship:

India

Residence:

Sunnyvale, California

P.O. Address:

1229 Vincente Drive, #116  
Sunnyvale, CA 94086

**Third Joint Inventor:**

Full name: **LYNN E. MURRY**

Signature:

*Lynn E. Murry*

Date:

*8 August 92*

Citizenship:

United States of America

Residence:

Portola Valley, California

P.O. Address:

1124 Los Trancos Road  
Portola Valley, CA 94028

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on January 3, 2001.  
By: [Signature]  
Printed: Nancy L. Gynn

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: LaBrie et al.

Title: NOVEL HUMAN TUBBY HOMOLOG

Serial No.: 08/812,824

Filing Date: March 6, 1997

Examiner: Draper, G

Group Art Unit: 1647

Box Issue Fee

Commissioner for Patents

Washington, D.C. 20231

**CERTIFICATE UNDER 37 C.F.R. §3.73(b),  
REVOCATION OF POWER OF ATTORNEY AND  
APPOINTMENT OF NEW ATTORNEYS**

Sir:

The undersigned has reviewed all the documents in the chain of title of the above-identified patent application and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

Incyte Genomics, Inc., formerly known as Incyte Pharmaceuticals, Inc., having a principal place of business located at 3160 Porter Drive, Palo Alto, California 94304, certifies that it is the assignee and owner of the entire right, title and interest in, to, and under the invention described and claimed in the above-identified application by virtue of an Assignment recorded at Reel 8689, Frame 0551, hereby revokes all previous powers of attorney and appoints the following patent attorneys/agents:

**Lucy J. Billings**  
**Michael C. Cerrone**  
**Diana Hamlet-Cox**  
**Richard C. Ekstrom**  
**Barrie D. Greene**  
**Matthew R. Kaser**

**Reg. No. 36,749**  
**Reg. No. 39,132**  
**Reg. No. 33,302**  
**Reg. No. 37,027**  
**Reg. No. 46,740**  
**Reg. No. 44,817**

Lynn E. Murry  
Shirley A. Recipon  
Susan K. Sather  
Michelle M. Stempien  
David G. Streeter  
Stephen Todd  
Christopher Turner  
Peng Ben Wang

Reg. No. 42,918  
Reg. No. 47,016  
Reg. No. 44,316  
Reg. No. 41,327  
Reg. No. 43,168  
Reg. No. 47,139  
Reg. No. 45,167  
Reg. No. 41,420

Please direct all correspondence to:

Legal Department  
Incyte Genomics, Inc.  
3160 Porter Drive  
Palo Alto, California 94304

and direct all telephone calls and facsimile transmissions to: Diana Hamlet-Cox, Ph.D.,  
Incyte Genomics, Inc., Phone: (650) 845-4639, Fax: (650) 849-8886.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

INCYTE GENOMICS, INC.

Date: January 3, 2001

By: Lee Bendekgey  
Lee Bendekgey  
VP, General Counsel/Corporate Secretary